

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 12-2039 (GAG)

**COMMONWEALTH OF PUERTO
RICO, et al.**

Defendants.

ORDER

The Commonwealth is strongly admonished for not complying with the two Court orders requiring the Secretary of Public Safety to appear at today's Public Status Hearing. *See* Docket Nos. 1513 & 1515 (dated May 15 and 20, 2021, respectively).

This is the first occasion in my eighteen years as a judge in which a high ranking government official ignores two court orders from the undersigned directing him or her to appear in court. Over this same span, Governors and cabinet members had always appeared as required. More so, the few occasions any scheduling issue arose, the parties filed a motion way in advance and the entire hearing was rescheduled.

The presence of top government officials in hearings such as today's is quintessential since such individuals set the tone for the hearing with their opening statement. Their attendance is also required since important matters regarding the scope of the executive branch agency they head are addressed.

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1 It is striking when the local executive branch on one hand is strictly enforcing its present
2 executive orders - which even I in my official capacity follow - and on the other ignores federal
3 court orders. It is also offensive to the USDOJ — the other party in this case — who expected
4 the Secretary to be present.

5 The clear public perception from all of this is that the government does not care about the
6 Police Reform and will not obey any federal court mandates. The Court knows better, however.
7 Thus, I am holding the Commonwealth responsible rather than Secretary Janer personally. I have
8 known Secretary Janer since his days at the DEA and his professional integrity and support of the
9 Reform is unquestionable. It would appear that individuals within the Commonwealth government
10 other than him either did not want him to appear and/or failed to diligently appraise him of the
11 court setting and importance of this hearing.

12 The fact that the Secretary was at a cabinet meeting at Fortaleza is also not *carte blanche* to
13 ignore two court orders issued thirteen and eight days ago respectively. I am certain that the
14 Governor herself was unaware of today's court hearing as well as my orders. If so, like every
15 other first executive before her she would have instructed the Secretary to appear. More so, when
16 she herself is a most experienced attorney who has distinguished herself throughout her extensive
17 government career for her professionalism and punctuality with the courts.

18 Finally, it is fortunate that USDOJ counsel, Monitor and SM appeared via
19 Jabber. Otherwise I would order as a sanction that their travel costs be reimbursed by the
20 Commonwealth.

21 The present order memorializes what the Court stated at today's conference. No further
22 action is being taken at this time. However, the Commonwealth is forewarned that any such future
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1 absence — in this or any other case — will ensue in the corresponding necessary action from the
2 Court.

3 **SO ORDERED.**

4 In San Juan, Puerto Rico this 28th day of May, 2020.

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6 *s/ Gustavo A. Gelpí*
7 GUSTAVO A. GELPI
8 United States District Judge
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